

## Summary of UPPL/Alcohol Exclusion Law Repeal Efforts

In 1947 the National Association of Insurance commissioners adopted the UPPL as a model law. The law states that health insurers would not have to reimburse patients for costs incurred when an accident is a result of “the insured’s being intoxicated or under the influence of any narcotic”. In 2001, NAIC unanimously recommended states repeal the Alcohol Exclusion Law and prohibit the denial of coverage for individuals injured while under the influence of alcohol or narcotics. (Since that time many other organizations—including ACS—have also supported its repeal.)

- **Prohibit Insurers from Denying Coverage**
  - Colorado (2006), Connecticut (2006), District of Columbia (2007), Illinois (2007), Indiana (2007), Iowa, Maryland, Nevada, North Carolina, Oregon (2007), Rhode Island, South Dakota, and Washington State
- **Never Enacted NAIC Model Legislation (However, Courts have ruled that insurance companies can use alcohol/drug exclusions in states that are silent on Alcohol Exclusion Laws)**
  - Massachusetts, Michigan, Minnesota, New Mexico, New Hampshire, Oklahoma, Utah, Vermont (repealed the explicit law; but never enacted prohibitions), and Wisconsin
- **2005 Attempts**
  - California and New York legislatures passed repeals, but their respective Governors vetoed the legislation. (See *ACS Cross Country*, Sept. 2005: <http://www.facs.org/ahp/sept05crosscountry.html#4>)
  - Also Texas attempted to pass legislation but it never made it out of the legislature.
- **2006 Attempts**
  - Colorado, HB 1106, Passed, Governor Signed
  - Connecticut, SB 425, Passed, Governor Signed
  - District of Columbia, Passed, Congress Approved Repeal in Early Jan. 2007.
  - Hawaii, HB 2401/SB 2364, Failed to Make it out of Conference Committee
  - Illinois, SB 2453, Never Assigned to Committee
  - New York, HB 9910, Introduced and referred to committee
  - Ohio, SB 395, Bill died in Committee (Was intro’d on 12/7/06)
  - Wyoming, HB 7, Passed through Committee but defeated in the House
- **2007 Attempts**
  - California, AB 1461, 9/11, Passed Assembly, Placed on Inactive File in Senate after 3<sup>rd</sup> reading in Committee.
  - Illinois, SB 21, Governor Signed 8/16
  - Indiana, HB 1378, Governor Signed 4/27
  - Oregon, HB 2348, Governor Signed 5/9
  - Tennessee, SJR 91, Governor Signed 6/18 (Resolution to direct Comptroller to study current drug laws, including repeal of UPPL)
  - Texas, HB 634, Heard in committee 4/17, but “left pending”
  - Other states where there may be activity in 2007 include Minnesota & New York.
    - New York, AB 3846, no-fault auto insurance coverage for injuries. It does not affect health insurance, which can still deny claims.

For more information please contact Mindy Baker, State Affairs Associate, American College of Surgeons, at 312-202-5363 or [mbaker@facs.org](mailto:mbaker@facs.org).

To View the American College of Surgeons recent statement regarding UPPL:  
[http://www.facs.org/fellows\\_info/statements/st-55.html](http://www.facs.org/fellows_info/statements/st-55.html)

Additional information may be found at: <http://www.ensuringsolutions.org/resources/>

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